

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00648-CRC**

OCEANA, INC. v. NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION et al
Assigned to: Judge Christopher R. Cooper
Case: 1:17-cv-00829-CRC
Cause: 05:552 Freedom of Information Act

Date Filed: 03/21/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

OCEANA, INC.

represented by **Brettny Elaine Hardy**
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V.

Defendant

**NATIONAL OCEANIC AND
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TERMINATED: 02/22/2019

Defendant

**NATIONAL MARINE FISHERIES
SERVICE**

represented by **Derek S. Hammond**
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Benton Gregory Peterson
(See above for address)
TERMINATED: 02/22/2019

| Date Filed | # | Docket Text |
|------------|----------|--|
| 03/21/2018 | <u>1</u> | COMPLAINT for Declaratory and Injunctive Relief against ALL DEFENDANTS (Filing fee \$ 400 receipt number 0090-5383247) filed by OCEANA, INC.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons re: NMFS, # <u>3</u> Summons re: NOAA, # <u>4</u> Summons re: US Attorney General, # <u>5</u> Summons re: US Attorney)(Mashuda, Stephen) (Entered: 03/21/2018) |
| 03/23/2018 | <u>2</u> | NOTICE OF RELATED CASE by OCEANA, INC.. Case related to Case No. 17-cv-829. (Mashuda, Stephen) (Entered: 03/23/2018) |
| 03/23/2018 | <u>3</u> | Corporate Disclosure Statement by OCEANA, INC.. (Mashuda, Stephen) (Entered: 03/23/2018) |
| 03/26/2018 | <u>4</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Brettmy Hardy, :Firm- Earthjustice, :Address- 50 California Street, Suite 500, San Francisco, CA 94111. Phone No. - (415) 217-2000. Fax No. - (415) 217-2040 Filing fee \$ 100, receipt number 0090-5388945. Fee Status: Fee Paid. by OCEANA, INC. (Attachments: # <u>1</u> Declaration in Support of Motion, # <u>2</u> Text of Proposed Order)(Mashuda, Stephen) (Entered: 03/26/2018) |
| 03/26/2018 | <u>5</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Christopher Eaton, :Firm- Earthjustice, :Address- 705 Second Ave, Suite 203, Seattle, WA 98104. Phone No. - (206) 343-7340. Fax No. - (206) 343-1526 Filing fee \$ 100, receipt number 0090-5388993. Fee Status: Fee Paid. by OCEANA, INC. (Attachments: # <u>1</u> Declaration in Support of Motion, # <u>2</u> Text of Proposed Order)(Mashuda, Stephen) (Entered: 03/26/2018) |
| 03/26/2018 | | Case Assigned to Judge Christopher R. Cooper. (md) (Entered: 03/26/2018) |
| 03/26/2018 | <u>6</u> | SUMMONS (4) Issued Electronically as to NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent) (tth) (Entered: 03/26/2018) |
| 03/28/2018 | | MINUTE ORDER granting <u>4</u> and <u>5</u> Motions for Leave to Appear Pro Hac Vice. Signed by Judge Christopher R. Cooper on 3/28/2018. (lccrc2) (Entered: 03/28/2018) |
| 04/03/2018 | <u>7</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/2/2018. Answer due for ALL FEDERAL DEFENDANTS by 5/2/2018. (Mashuda, Stephen) (Entered: 04/03/2018) |
| 04/03/2018 | <u>8</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/2/2018. (Mashuda, Stephen) (Entered: 04/03/2018) |

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| 04/03/2018 | <u>9</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION served on 4/2/2018 (Mashuda, Stephen) (Entered: 04/03/2018) |
| 04/03/2018 | <u>10</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. NATIONAL MARINE FISHERIES SERVICE served on 3/29/2018 (Mashuda, Stephen) (Entered: 04/03/2018) |
| 04/30/2018 | <u>11</u> | MOTION for Extension of Time to File <i>Respond to Complaint</i> by NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) (Entered: 04/30/2018) |
| 05/01/2018 | <u>12</u> | RESPONSE re <u>11</u> MOTION for Extension of Time to File <i>Respond to Complaint</i> filed by OCEANA, INC.. (Attachments: # <u>1</u> Text of Proposed Order)(Mashuda, Stephen) (Entered: 05/01/2018) |
| 05/02/2018 | | MINUTE ORDER granting <u>11</u> Defendants' Motion for Extension of Time. Defendants' response to the complaint shall be due by June 4, 2018. Defendants should be prepared to promptly file a joint proposed schedule for production within 14 days of filing their answer. Signed by Judge Christopher R. Cooper on 5/2/2018. (lccrc2) (Entered: 05/02/2018) |
| 05/03/2018 | | Set/Reset Deadlines: Answer due by 6/4/2018 (lsj) (Entered: 05/03/2018) |
| 06/04/2018 | <u>13</u> | ANSWER to Complaint by NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.(Peterson, Benton) (Entered: 06/04/2018) |
| 06/05/2018 | | MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. Since the requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil Procedure do not apply, it is hereby ORDERED that the parties shall confer and file a joint proposed schedule for briefing or disclosure by June 19, 2018. Signed by Judge Christopher R. Cooper on 6/5/2018. (lccrc2) (Entered: 06/05/2018) |
| 06/05/2018 | | Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 6/19/2018 (lsj) (Entered: 06/05/2018) |
| 06/19/2018 | <u>14</u> | Joint STATUS REPORT by OCEANA, INC.. (Attachments: # <u>1</u> Text of Proposed Order from Federal Defendants, # <u>2</u> Text of Proposed Order from Plaintiff)(Mashuda, Stephen) (Entered: 06/19/2018) |
| 06/29/2018 | | MINUTE ORDER: In light of <u>14</u> the parties' joint status report, production shall proceed in this case as follows. By July 17, 2018, Defendants shall produce to Plaintiff all non-exempt, responsive records apart from the approximately 1700 emails referenced in the status report. Defendants shall continue processing those emails and produce any responsive, non-exempt emails and attachments that it has already processed by that same date. The parties shall then meet and confer and, if Plaintiff still seeks further emails, the parties shall by July 23, 2018 file a proposed schedule to govern the further production of the emails. To the extent the parties cannot agree on a schedule, Defendants should also include an agency affidavit regarding their ability to make monthly productions so as to facilitate the Court's determination of a further production schedule. Signed by Judge Christopher R. Cooper on 6/29/2018. (lccrc2) (Entered: 06/29/2018) |
| 06/29/2018 | | Set/Reset Deadlines: Production of non-exempt records due by 7/17/2018. Meet & Confer Statement due by 7/23/2018. (lsj) (Entered: 06/29/2018) |
| 07/23/2018 | <u>15</u> | Joint STATUS REPORT by NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION. (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, Benton) (Entered: 07/23/2018) |
| 07/26/2018 | | MINUTE ORDER: In light of <u>15</u> the parties' joint status report, production shall proceed as follows: Defendants shall provide a sample of responsive emails and attachments to Plaintiff by July 31, 2018 and shall produce all remaining responsive bycatch records by August 31, 2018. The parties shall file a joint status report by August 14, 2018 concerning the status of email production and a further joint status report by September 14, 2018 updating the Court on the status of production for the |

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| | | non-email records and proposing a further schedule, if necessary, for production or briefing. Signed by Judge Christopher R. Cooper on 7/26/2018. (lccrc2) (Entered: 07/26/2018) |
| 07/26/2018 | | Set/Reset Deadlines: Defendants sample of responsive emails and attachments due by 7/31/2018. Remaining responsive records due by 8/31/2018. Joint Status Report due by 8/14/2018. Further Joint Status Report due by 9/14/2018. (lsj) (Entered: 07/26/2018) |
| 08/14/2018 | <u>16</u> | Joint STATUS REPORT by OCEANA, INC.. (Mashuda, Stephen) (Entered: 08/14/2018) |
| 09/14/2018 | <u>17</u> | Joint STATUS REPORT by NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION. (Peterson, Benton) (Entered: 09/14/2018) |
| 09/14/2018 | | MINUTE ORDER: In light of the parties' <u>17</u> joint status report on September 14, 2018, the parties are directed to provide an additional joint status report to the Court on or before October 26, 2018, updating the Court on the status of production and proposing a briefing schedule for any dispositive motions, as warranted. Signed by Judge Christopher R. Cooper on 9/14/2018. (lccrc2) (Entered: 09/14/2018) |
| 09/17/2018 | | Set/Reset Deadlines: Joint Status Report due by 10/26/2018 (lsj) (Entered: 09/17/2018) |
| 09/18/2018 | | ENTERED IN ERROR.....Set/Reset Deadlines: Joint Status Report due by 10/26/2018 (lsj) Modified on 9/18/2018 (zlsj). (Entered: 09/18/2018) |
| 10/25/2018 | <u>18</u> | Joint STATUS REPORT by OCEANA, INC.. (Mashuda, Stephen) (Entered: 10/25/2018) |
| 10/26/2018 | | MINUTE ORDER: In light of the parties' <u>18</u> joint status report, the parties shall provide an updated joint status report on or before November 27, 2018, to include a proposed briefing schedule should one be necessary. Signed by Judge Christopher R. Cooper on 10/26/2018. (lccrc2) (Entered: 10/26/2018) |
| 10/26/2018 | | Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 11/27/2018. Joint Status Report due by 11/27/2018. (znbn) (Entered: 10/26/2018) |
| 11/27/2018 | <u>19</u> | Joint STATUS REPORT by NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION. (Peterson, Benton) (Entered: 11/27/2018) |
| 11/28/2018 | | MINUTE ORDER: In light of the parties' <u>19</u> joint status report, the parties are hereby directed to file an updated joint status report on or before December 27, 2018. Signed by Judge Christopher R. Cooper on 11/28/2018. (lccrc2) (Entered: 11/28/2018) |
| 11/29/2018 | | Set/Reset Deadlines: Joint Status Report due by 12/27/2018 (lsj) (Entered: 11/29/2018) |
| 12/26/2018 | <u>20</u> | Joint STATUS REPORT by OCEANA, INC.. (Hardy, Brettny) (Entered: 12/26/2018) |
| 12/28/2018 | | MINUTE ORDER: In light of the parties' <u>20</u> joint status report, the parties shall provide an updated joint status report on or before January 27, 2019. Signed by Judge Christopher R. Cooper on 12/28/2018. (lccrc2) (Entered: 12/28/2018) |
| 12/28/2018 | | Set/Reset Deadlines: Joint Status Report due by 1/27/2019 (lsj) (Entered: 12/28/2018) |
| 01/22/2019 | <u>21</u> | MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/22/2019) |
| 01/23/2019 | | MINUTE ORDER granting <u>21</u> Defendants' Motion to Stay. All deadlines in the case shall be stayed pending renewed funding. Signed by Judge Christopher R. Cooper on 1/23/2019. (lccrc2) (Entered: 01/23/2019) |
| 02/01/2019 | | MINUTE ORDER: In light of the restoration of appropriations, the stay in this case is lifted. The parties shall provide a joint status report on or before February 8, 2019, which shall include a proposed schedule for future proceedings. Signed by Judge Christopher R. Cooper on 2/1/2019. (lccrc2) (Entered: 02/01/2019) |

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| 02/05/2019 | | Set/Reset Deadlines: Joint Status Report due by 2/8/2019 (lsj) (Entered: 02/05/2019) |
| 02/08/2019 | <u>22</u> | Joint STATUS REPORT by OCEANA, INC.. (Mashuda, Stephen) (Entered: 02/08/2019) |
| 02/09/2019 | | MINUTE ORDER: In light of <u>22</u> the parties' joint status report, the following deadlines shall apply: Defendants will provide Plaintiff with information about the search and methods used to identify relevant documents on or before February 22, 2019; and the parties will submit to the Court a joint status report detailing the parties' agreement or positions, which should include a proposed summary judgment briefing schedule if necessary, on or before March 8, 2019. Signed by Judge Christopher R. Cooper on 2/9/2019. (lccrc2) (Entered: 02/09/2019) |
| 02/11/2019 | | Set/Reset Deadlines: Joint Status Report and Proposed Briefing Schedule due by 3/8/2019 (lsj) (Entered: 02/11/2019) |
| 02/22/2019 | <u>23</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Derek S. Hammond on behalf of All Defendants Substituting for attorney Benton G. Peterson (Hammond, Derek) (Entered: 02/22/2019) |
| 03/08/2019 | <u>24</u> | Joint STATUS REPORT by OCEANA, INC.. (Mashuda, Stephen) (Entered: 03/08/2019) |